

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

CHRISTOPHER G. PETERSEN,

Plaintiff,

vs.

FLATHEAD COUNTY SHERIFF'S  
OFFICE and SGT. LOGAN  
SHAWBACK,

Defendants.

CV 24-143-M-DWM

ORDER

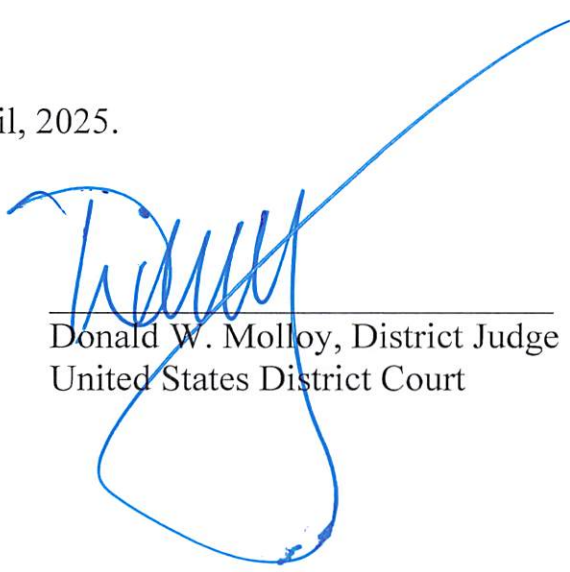
On March 4, 2025, United States Magistrate Judge Kathleen DeSoto entered Findings and Recommendations with respect to Plaintiff Christopher G. Petersen's civil rights complaint based on his arrest by Sgt. Logan Shawback of the Flathead County Sheriff's Office. (*See* Docs. 1, 5.) Judge DeSoto found that Petersen failed to serve the defendants within 90 days after filing his Complaint and gave him an additional three weeks to show cause why the matter should not be dismissed. (Doc. 4); *see* Fed. R. Civ. P. 4(m). To date, Petersen has not filed anything with the Court. Judge DeSoto therefore recommends that this action be dismissed for failure to comply with Rule 4(m). Despite being given the opportunity to do so, *see* 28 U.S.C. § 636(b)(1), Petersen has not filed objections. Failure to object waives the right to review. Fed. R. Crim. P. 59(b)(2). But

consistent with the Court's "full authority" to review the Findings and Recommendations under any standard it deems appropriate, *Thomas v. Arn*, 474 U.S. 140, 154 (1958), the Court reviews for clear error. Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). Finding no clear error in Judge DeSoto's conclusion,

IT IS ORDERED that:

- (1) The Findings and Recommendation, (Doc. 5), is ADOPTED IN FULL.
- (2) Petersen's Complaint is DISMISSED WITHOUT PREJUDICE.
- (3) It is CERTIFIED, pursuant to Fed. R. App. P. 24(a)(4)(B), that any appeal from this disposition would not be taken in good faith.
- (4) The Clerk is directed to enter, by separate document, a judgment of dismissal.

DATED this 1<sup>st</sup> day of April, 2025.



Donald W. Molloy, District Judge  
United States District Court